

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
JOSEPH ALVARADO,

Plaintiff,

- against -

NAOMI C. EARP, et al.,

Defendants.
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VICTOR MARRERO, United States District Judge.

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07 Civ. 3819 (VM)

CONDITIONAL
ORDER OF DISCONTINUANCE

The parties, having notified the Court, at the conference with the parties on March 14, 2008, that the parties have reached an agreement in principle to settle this action without further litigation, and do not object to the issuance of this Order, it is hereby

ORDERED, that this action be conditionally discontinued without prejudice and without costs; provided, however, that within ninety (90) days of the date of this Order, the parties may submit to the Court their own Stipulation of Dismissal for the Court to So Order. Otherwise, within such time counsel for plaintiff may apply by letter for restoration of the action to the active calendar of this Court in the event by the deadline indicated the settlement is not consummated by payment of any sums called for by agreement. Upon such notification, the defendant shall continue to be subject to the Court's jurisdiction, the Court shall promptly reinstate the action to its active docket and the parties shall be directed to

appear before the Court, without the necessity of additional process, on a date within thirty days of the plaintiff's application for reinstatement, to schedule remaining pre-trial proceedings and/or dispositive motions, as appropriate. This Order shall be deemed a final discontinuance of the action with prejudice in the event plaintiff has not requested restoration of the case to the active calendar within such period of time.

Any further conferences with the Court schedule in this action are canceled but shall be rescheduled as set forth above in the event plaintiff notifies the Court that the parties' settlement was not effectuated and that such conference is necessary to resume pretrial proceedings herein.

The Clerk of Court is directed to close this case.

SO ORDERED.

Dated: New York, New York
14 March 2008



VICTOR MARRERO
U.S.D.J.